



Practitioner's Docket No. 934-004

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_ Inventor(s)

for \_\_\_\_\_ Title of invention

the specification of which is being transmitted herewith

**OR**

In re application of: Homann

Application No.: 10 / 771,733 Group No.:

Filed: February 4, 2004 Examiner:

For: METHOD OF PRODUCING A JOINT BETWEEN A  
CORRUGATED TUBE AND A COUPLING

Commissioner for Patents

Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

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Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

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**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: 2/27/04

  
Signature

Janet Gaffney

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

(1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

(3) Before the mailing date of a first Office action on the merits; or

(4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

**NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

"A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability." 37 C.F.R. § 1.56(b)

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

**NOTE:** The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

**WARNING:** "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(d).

## **List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

*(check sections forming a part of this statement: discard unused sections and number pages consecutively)*

1.  Preliminary Statements
2.  FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3.  Statement as to Information Not Found in Patents or Publications
4.  Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5.  Cumulative Patents or Publications

6.  Copies of Listed Information Items Accompanying This Statement
7.  Concise Explanation of Non-English Language Listed Information Items
  - 7A.  EPO Search Report
  - 7B.  English Language Version of EPO Search Report
8.  Translation(s) of Non-English Language Documents
9.  Concise Explanation of English Language Listed Information Items (Optional)
10.  Identification of Person(s) Making This Information Disclosure Statement

*(complete the following, if appropriate)*

Sections , respectively, have been continued on ADDED PAGE(S).

*NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information."*  
*Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

### **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. § 1.97(h)), or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## **Section 6. Copies of Listed Information Items Accompanying This Statement**

*NOTE: 37 C.F.R. § 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include:  
"A legible copy of:*

- (i) Each U.S. patent application publication and U.S. and foreign patent;*
- (ii) Each publication or that portion which caused it to be listed;*
- (iii) For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and*
- (iv) All other information or that portion which caused it to be listed; . . . "*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

*(complete the following, if applicable)*

**Exception(s) to above:**

- Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
- Cumulative patents or publications identified in Section 5.

Copies of U.S. patents are no longer required pursuant to the Official Gazette Notice dated August 5, 2003.

## **Section 7. Concise Explanation of Non-English Language Listed Information Items**

**NOTE:** 37 C.F.R. § 1.98(a)(3) provides that any information disclosure statement filed under § 1.97 shall include:

“(i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein.

“(ii) A copy of the translation of a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).”

**NOTE:** “[T]he explanation required is limited to the relevance as understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office.” Notice of January 9, 1992, 1135 O.G. 13-25 at 14. See § 609A(3), M.P.E.P. 8th Edition.

**NOTE:** “The concise explanation requirement for non-English language information may be met by submission of an English language version of the search report indicating the degree of relevance found by the foreign office.” Notice of January 9, 1992, 1135 O.G. 13-25, at 14 and 20. See § 609A(3), M.P.E.P. 8th Edition.

**NOTE:** “If a complete translation of the information into English is submitted with the non-English language information, no concise explanation is required.” § 609A(3), M.P.E.P., 8th Edition.

**WARNING:** “The requirement in § 1.98(a)(3) for a concise explanation of non-English language information does not apply unless the relevance of the information differs from its relevance as explained in the prior application. See § 609, M.P.E.P., 8th Edition.

**NOTE:** When an English translation of the information is submitted with the foreign language information, no concise explanation is required. An English language equivalent application may be submitted to fulfill this requirement if it is, in fact, a translation of a foreign language application being listed in an information disclosure statement. There is no requirement for the translation to be verified. Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. See § 609A(3), M.P.E.P., 8th Edition.

*This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an “X”, “Y”, or “A” indication on a search report. See § 609A(3), M.P.E.P., 8th Edition.*

**NOTE:** The requirement for a concise explanation of non English language information would not be satisfied by a statement that a reference was cited in the prosecution of a United States application which is not relied on under 35 U.S.C. 120. See § 609A(3), M.P.E.P., 8th Edition.

A description of the non-English language information is mentioned on pages 1-3 of the specification.

## **Section 8. Translation(s) of Non-English Language Documents**

**NOTE:** 37 C.F.R. § 1.98(a)(3) provides that any information disclosure statement filed under § 1.97 shall include:

"(ii) A copy of the translation of a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c)."

**NOTE:** "The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in the non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not in English and that the Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements for a concise explanation in § 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.

**NOTE:** "The examiner will indicate that the non-English language information has been considered in the same manner as consideration is indicated for information submitted in English." Notice of April 20, 1992 (1138 O.G. 37-41, 41). See § 609C(2), M.P.E.P., 8th Edition.

**NOTE:** The translation need not be verified. Section 609A(3), M.P.E.P., 8th Edition.

**NOTE:** The examiner should not require that a translation be filed by the applicant. See § 609C(2), M.P.E.P., 8th Edition.

**NOTE:** There is no requirement for the translation to be verified. See § 609(A)(3), M.P.E.P., 8th Edition.

- Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

*(complete the following, if applicable)*

- No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

(check each applicable item)

- (a)  the inventor(s) who signs below

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SIGNATURE OF INVENTOR

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(type name of inventor who is signing)

- (b)  an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

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SIGNATURE OF INVENTOR

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(type name of inventor who is signing)

- (c)  the practitioner who signs below on the basis of the information:

(check each applicable item)

- supplied by the inventor(s).  
 supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))  
 in the practitioner's file.



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SIGNATURE OF PRACTITIONER

K. Bradford Adolphson

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Please type a plus sign (+) inside this box →

PTO/SB/08A (10-96)

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Substitute for Form 1449A/PTO				Complete If Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/771,733
(use as many sheets as necessary)				Filing Date	February 4, 2004
				First Named Inventor	J. Homann
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	934-004

#### **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.